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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,863	02/09/2004	Tsuide Yanagihara	FY.17518US1C	9501

20995 7590 01/19/2007

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EXAMINER	
BASINGER, SHERMAN D	
ART UNIT	**PAPER NUMBER**
3617	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/19/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/774,863	YANAGIHARA, TSUIDE	
	Examiner	Art Unit	
	Sherman D. Basinger	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *32-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *32-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 10/080,371.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 13, 2006 has been entered.

Claim Objections

2. Claim 36 appears to be a duplicate of claim 34.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 32, 33, 35, 37, 38, 39, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Iida et al

For claims 32 and 40 see paragraphs 75, 76 and 151; for claims 33, 35, 37 and 41 see paragraph 82; for claim 38 see paragraph 81; and for claim 39 see paragraph 89.

For claim 1, Iida et al discloses a jet-propelled watercraft comprising a hull 36 having an

operator's area 60, an engine 32 supported by the hull and having a throttle valve 54 configured to

meter a flow of air into the engine, the throttle valve being biased towards a closed

position, a water jet propulsion device 72 driven by the engine and configured to produce

thrust for propelling the hull over water, a throttle lever 52 disposed in the operator's area

configured to control a position of the throttle valve, an actuator 132 configured to define an

adjustable limit for the movement of the throttle valve against the bias of the throttle valve

towards the closed position, and a controller 86 configured to control the actuator so as to

move the limit away from the closed position of the throttle valve in proportion to a speed

of the watercraft before the throttle lever is released by an operator (see [0076]; [0084] and note that the opening of the throttle valve by the actuator is based upon

watercraft velocity and the steering positions-as such the throttle valve will be opened regardless of whether the throttle lever is released or not).

For claim 40, Iida et al discloses a jet-propelled watercraft comprising a hull 36 having an operator's area 60, an engine 32 supported by the hull and having a throttle valve 54 configured to meter a flow of air into the engine, the throttle valve 54 being biased towards a closed position, a water jet propulsion device 70 driven by the engine and configured to produce thrust for propelling the hull over water, a throttle lever 52 disposed in the operator's area configured to control a position of the throttle valve, and means 132 for limiting the movement of the throttle valve against the bias of the throttle valve towards the closed position and for moving the limit away from the closed position of the throttle valve in proportion to a speed of the watercraft before the throttle lever is released by an operator (see [0076]; [0084] and note that the opening of the throttle valve by the actuator is based upon

watercraft velocity and the steering positions-as such the throttle valve will be opened regardless of whether the throttle lever is released or not).

5. Claims 32-38, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Rheault et al.

For claim 1, Rheault et al discloses a jet-propelled watercraft comprising a hull figure 1 having an operator's area,

an engine 6 supported by the hull and having a throttle valve configured to meter a flow of

air into the engine, the throttle valve being biased towards a closed position, a water jet propulsion device 12 driven by the engine and configured to produce thrust for propelling the

hull over water, a throttle lever 22 disposed in the operator's area configured to control a position of the throttle valve, an actuator (column 15, line 13) configured to define an adjustable limit for the

movement of the throttle valve against the bias of the throttle valve towards the closed position, and a controller 300 configured to control the actuator so as to move the limit away from the closed position of the throttle valve in proportion to a speed of the watercraft (column 15, lines 20-30)

before the throttle lever is released by an operator (engine throttle control has nothing to do with throttle release and is only based upon steering angle and engine speed-if the

engine speed is insufficient for the steering angle the throttle will be opened even if the lever has not been released).

Rheault et al further discloses a watercraft speed sensor 320, the controller being configured to determine a speed
of the jet-propelled watercraft based on an output from the watercraft speed sensor; an engine speed sensor (column 15, line 50) configured to detect a speed of the engine, the
controller being configured to determine a speed of the jet-propelled watercraft based on an
output from the engine speed sensor; a throttle position sensor 330 configured to detect a position of the throttle valve,
the controller being configured to determine a speed of the jet-propelled watercraft based
on an output from the throttle position sensor; and a handlebar 16 connected to the water jet propulsion device so as to allow an
operator to steer the watercraft by moving the handlebar, and a handlebar position sensor 310
configured to detect a position of the handlebar, the controller being configured to adjust the actuator based on an output of the handlebar position sensor and wherein the controller is configured to move the limit away from the closed position only if the

handlebar is turned away from a position corresponding to a straight ahead direction of the watercraft.

For claim 40, Rheault et al further discloses a jet propelled watercraft comprising a hull (figure 1) having an operator's area,
an engine 6 supported by the hull and having a throttle valve configured to meter a flow of
air into the engine, the throttle valve being biased towards a closed position, a water jet propulsion device 12 driven by the engine and configured to produce thrust for propelling the
hull over water, a throttle lever 22 disposed in the operator's area configured to control a position of the throttle valve, and means (column 15, line 13) for limiting the movement of the throttle valve
against the bias of the throttle valve towards the closed position and for moving the limit away from the closed position of the throttle valve in proportion to a speed of the watercraft before the throttle lever is released by an operator (column 15, lines 15-30; engine throttle control has nothing to do with throttle release and is only based upon steering angle and engine speed-if the engine speed is insufficient for the steering angle the throttle will be opened even if the lever has not been released).

Rheault et al further discloses means 320 for determining a speed of the watercraft.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rheault et al in view of Bernier et al.

Rheault et al does not disclose that the

controller is configured to gradually move the limit toward the closed position after the throttle lever has been released by an operator.

Note timer 72 and solenoid 74 of Bernier et al including lines 58-63 of column 7.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a timer similar to 72 of Bernier et al to the system of Rheault et al so that the controller of Rheault et al will be configured to gradually move the limit toward the closed position after the throttle lever has been released by an operator.

Motivation to do so is to timely reduce thrust after the turn has been made in accordance with the throttle setting the operator has chosen.

Response to Arguments

8. Applicant's arguments filed May 15, 2006 have been fully considered but they are not persuasive. Applicant argues that as explained during the interview neither Rheault et al. or Iida et al. teach a system that moves an adjustable throttle position limit in response to a speed of a watercraft before the throttle lever is released by an operator.

This argument is not persuasive. In both Iida et al and Rheault et al the throttle is controlled to open in accordance with engine speed or watercraft speed, and in accordance with the steering angle. The throttle will be opened if the steering angle is such that the engine speed needs to be increased whether the throttle lever has been released or not. As such the throttle can be opened before the throttle lever is released.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 571-272-6679. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sherman Basinger
Primary Examiner
Art Unit 3617

1/12/07